

DUKES LAW, PLLC

5527 N. 25th Street
Phoenix, AZ 85016
602.320.8866

VIA EMAIL: Jennifer.merrill@mesaaz.gov

Board of Adjustment
Attn: Jennifer Merrill, Senior Planner
CITY OF MESA
Development Services Department
55 North Center Street
Mesa, Arizona 85201

April 30, 2025

RE: Notice of Appeal of April 15, 2025 Zoning Administrator Interpretation to Board of Adjustment ("ZA Interpretation") – Legacy Recovery Center Located at 2338 E. Minton Street, Mesa, Arizona 85213, Maricopa County APN: 141-06-237 (the "Property")

Dear Ms. Merrill:

On behalf of the owner of the above-referenced Property, Dr. Roland Segal and Dr. Ehab S. Abdallah, and the community residence operator at the Property, Legacy Recovery Center, LLC, I hereby submit this Notice of Appeal of the April 15, 2025 ZA Interpretation to the Board of Adjustment pursuant to Ariz. Rev. Stat. § 9-462.06 and Chapter 77 of the City of Mesa Zoning Ordinance ("Zoning Ordinance").

Section 11-77-4.B of the Zoning Ordinance requires the following information to be included in concise language in the notice of appeal:

A. Date of Appeal: April 30, 2025

Pursuant to Section 11-77-3 of the Zoning Ordinance, this appeal is being submitted in writing within 15 calendar days after the date of the action being appealed, which is the April 15, 2025 ZA Interpretation.

B. Name of Person Filing Appeal (Appellant) and Any Individual Representing Appellant:

Appellants: Dr. Roland Segal,
Dr. Ehab S. Abdallah, and
Legacy Recovery Center, LLC

Applicant/Representative: Heather N. Dukes, Esq.

C. Address to Which Notices Shall be Sent:

Dukes Law, PLLC
5527 N. 25th Street
Phoenix, Arizona 85016

D. Contact Information such as Telephone Number and/or Email Address of Appellant or Representative to be Contacted Regarding the Appeal:

Contact Person: Heather Dukes, Representative
Phone Number: 602.320.8866
Email Address: hdukes@dukeslawaz.com

E. Action or Decision Being Appealed and the Date of Such Action or Decision:

Zoning Administrator Interpretation dated April 15, 2025 regarding Legacy Recovery Center located at 2338 E. Minton Street, Mesa, Arizona 85213.

F. Description of Requested Outcome if the Appeal is Granted:

We would request that the Board of Adjustment grant our appeal of the ZA Interpretation dated April 15, 2025 and uphold the original family community residence approval granted on or about February 5, 2025.

We would also request that the Board of Adjustment make the order, decision or determination deemed necessary after reviewing the appellants' supplemental materials and taking evidence and testimony at the hearing. Such authority is granted by A.R.S. § 9-462.06.G.3.

G. Grounds for Appeal:

1. The Legacy Recovery Center family community residence and certificate of occupancy approvals issued by the City of Mesa in February 2025 are vested.
2. The City of Mesa is equitably estopped from rescinding, suspending or revoking the family community residence and certificate of occupancy approvals issued to Legacy Recovery Center.
3. The Legacy Recovery Center behavioral health residential facility use at the Property constitutes a family community residence under the Zoning Ordinance.
4. The City's family community residence approval issued to Legacy Recovery Center was consistent with other family community residence approvals issued by the City to similar uses with behavioral health residential facility licenses prior to February 2025.
5. The Legacy Recovery Center use is protected by the Fair Housing Act as a family environment for disabled individuals who may live in communities of their choice, regardless of the length of stay.

6. The ZA Interpretation was initiated and issued as a result of discriminatory correspondence and actions of Mesa residents and therefore violates the Fair Housing Act.

H. Address and Case Number Involved:

Address: 2338 E. Minton Street, Mesa, Arizona 85213

Case Numbers: PMT24-21631

We hereby reserve the right to provide to the Board of Adjustment additional information and documentation in support of this appeal of the ZA Interpretation, including certain public records requests that remain outstanding with the City.

In addition, the family community residence and certificate of occupancy approvals for the Property remain valid during the pendency of this appeal. Pursuant to Section 11-77-4 of the Zoning Ordinance, the timely filing of an appeal may stay all City-related proceedings in the matter appealed. Furthermore, A.R.S. Section 9-462.06.E states that “an appeal to the board stays all proceedings in the matter appeal from,” unless the zoning administrator certifies to the board that “a stay would cause imminent peril to life or property.” In this case, no such certification can be made, given that the Appellants are continuing the family community residence operations at the Property with a behavioral health residential facility license issued by the Arizona Department of Health Services.

If you have any questions or need additional information in the meantime, please do not hesitate to contact me at hdukes@dukeslawaz.com or 602.320.8866. Thank you.

Very truly yours,

/s/ Heather N. Dukes

Heather N. Dukes, Esq.

602.320.8866 | hdukes@dukeslawaz.com

Enclosures

1. Property Owner Authorization Forms Signed by Property Owners dated April 30, 2025
2. Zoning Administrator’s Interpretation dated April 15, 2025

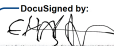


Property Owner's Authorization Signature Form

www.mesaaz.gov/planning
480-644-2385

Property Owner:

Ehab Abdallah and Roland Segal

Name
2338 E. Minton Street, Mesa, AZ 85213
Address (Street, City, State, Zip Code)
(936) 615-0981
Phone Number
N/A
Fax Number
esabdallah07@gmail.com; drsegal@azforensicpsychiatry.com
E-mail
 4/30/25
Signature Ehab S. Abdallah Date

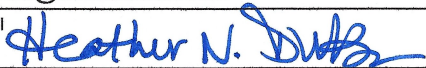
Signed by:

Roland Segal
EC09E480DA8E4D5...

Address of Site: 2338 E. Minton Street, Mesa, AZ 85213

Applicant:

Heather Dukes, Esq. of Dukes Law, PLLC

Name
5527 N. 25th Street, Phoenix, Arizona 85016
Address (Street, City, State, Zip Code)
(602) 320-8866
Phone Number
N/A
Fax Number
hdukes@dukeslawaz.com
E-mail
 4/30/2025
Signature Date

N/A

Registration Number (required for professional registrants)

APN: 141-06-237

Select Type of Request:

☐ Administrative Review

- Minor Modifications/Changes to existing cases
- Desert Uplands Reviews
- Form Based Code /Zoning Clearance
- Land Division (Lot Splits)

- Historic Preservation (Certificate of Appropriateness)
- Medical Marijuana
- Wireless Communication Facilities (Cell Towers)

☐ Planning & Zoning

- Rezone
- Pre-Plats
- Council Use Permits
- Development Unit Plans

- Site Plan Review/Modifications Special Use Permits
- Minor General Plan Amendments

☒ Board of Adjustment

- Variances
- Substantial Conformance Improvement Permit (SCIP)
- Development Incentive Permit (DIP)

- Special Use Permits
- Wireless Communication Facilities (Cell Towers)

☐ Design Review

☐ Annexation

☐ General Plan Amendment – Major

☐ Community Residence [Residential Care Home]

Certificate Of Completion

Envelope Id: 635AEBFE-2B31-47AC-B03B-E3C00138C2C2

Subject: Complete with Docusign: Mesa Property Owner Authorization Form for BOA 2025.04.30.pdf

Source Envelope:

Document Pages: 1

Certificate Pages: 5

AutoNav: Enabled

Envelopeld Stamping: Enabled

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

Envelope Originator:

Heather Dukes

hdukes@dukeslawaz.com

IP Address: 10.101.81.137

Record Tracking

Status: Original

4/30/2025 11:24:35 AM

Holder: Heather Dukes

hdukes@dukeslawaz.com

Location: DocuSign

Signer Events

Ehab S. Abdallah

esabdallah07@gmail.com

Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:

4B2A9A6B9347468...

Signature Adoption: Drawn on Device

Using IP Address: 65.133.31.154

Timestamp

Sent: 4/30/2025 11:30:24 AM

Viewed: 4/30/2025 11:30:54 AM

Signed: 4/30/2025 11:31:09 AM

Electronic Record and Signature Disclosure:

Accepted: 4/30/2025 11:30:54 AM

ID: 5f7efc15-2d7b-4d07-8c08-0c2a06ed08a9

Roland Segal

drsegal@azforensicpsychiatry.com

Managing Partner

Security Level: Email, Account Authentication
(None)

Signed by:

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Signature Adoption: Pre-selected Style

Using IP Address: 70.182.63.171

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Signed: 4/30/2025 11:44:41 AM

Electronic Record and Signature Disclosure:

Accepted: 4/30/2025 11:44:30 AM

ID: 4f2eaa26-fd01-4f8d-9335-54954290c732

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Richard Miller

richard@legacyrecoverycenter.com

Security Level: Email, Account Authentication
(None)

COPIED

Sent: 4/30/2025 11:30:24 AM

Electronic Record and Signature Disclosure:

Accepted: 2/28/2025 7:33:13 AM

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Witness Events

Signature

Timestamp

Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Updated	Security Checked	4/30/2025 11:36:19 AM
Certified Delivered	Security Checked	4/30/2025 11:44:30 AM
Signing Complete	Security Checked	4/30/2025 11:44:41 AM
Completed	Security Checked	4/30/2025 11:44:41 AM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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